

REMARKS

I. Status of the Claims

Claims 1-5, 9-25 and 36-45 are pending in the application. Claims 1-5, 10-13, 17-25, 37-39 and 43 stand rejected under 35 U.S.C. §102(e), and claims 1, 9, 14-16, 21, 36 and 40-42 stand rejected under 35 U.S.C. §103. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

Claims 1 and 21 are amended. Support for the amendments can be found at page 31, lines 19-21 (risk) and page 34, lines 3-6 (exposure).

II. Rejection Under 35 U.S.C. §102(e)

Claims 1-5, 10-13, 17-25, 37-39 and 43 stand newly rejected under §102(e) over Radtke (U.S. Patent 6,521,226). Applicants traverse.

The examiner argues that protection from OP toxicity is “inherent” in Radtke in that the same steps as claimed here are practiced in the cited reference. Applicants believe that the examiner has incorrectly ignored the preamble and “wherein” clause recitations of the claims in order to find the cited reference anticipatory. However, purely in the interest of advancing the prosecution, the claims have been amended to recite the step of identifying a cell or subject at risk of exposure to or exposed to an OP toxin. As such, there can be no “inherent” anticipation since, as the examiner acknowledges, Radtke does not mention or contemplate anything regarding OP toxicity.

Reconsideration and withdrawal of the rejection, based on the foregoing, is therefore respectfully requested.

IV. Rejection Under 35 U.S.C. §103

Claims 1, 9, 14-16, 21, 36 and 40-42 are rejected newly rejected as obvious over Radtke in view of Scheffler (U.S. Patent 5,721,118) under §103. Applicants traverse.

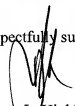
This rejection is premised on the assumption that Radtke anticipates the independent claims of the present invention (claims 1 and 21). Thus, Scheffler is merely cited as disclosing polyA sequences and promoters. Thus, in light of the discussion presented above regarding the deficiencies of Radtke, it is clear that Scheffler cannot correct the deficiencies thereof. Scheffler, like Radtke, is silent on the issue of PON1, much less anything to do with protection from OP toxicity. Thus, this rejection fails for the lack of a properly grounded *prima facie* showing of obviousness.

Reconsideration and withdrawal of this rejection is requested as well.

IV. Conclusion

In light of the foregoing, applicants submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this response, a telephone call to the undersigned is invited.

Respectfully submitted,


Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

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